

VZCZCXRO2430
PP RUEHIK
DE RUEHAH #0206 0431223
ZNR UUUUU ZZH
P 121223Z FEB 10
FM AMEMBASSY ASHGABAT
TO RUEHC/SECSTATE WASHDC PRIORITY 4241
INFO RUCNCLS/ALL SOUTH AND CENTRAL ASIA COLLECTIVE
RUCNCIS/CIS COLLECTIVE
RUCNMEM/EU MEMBER STATES COLLECTIVE
RUEHAK/AMEMBASSY ANKARA 6251
RUEHBJ/AMEMBASSY BEIJING 3925
RUEHKO/AMEMBASSY TOKYO 3784
RUEHIT/AMCONSUL ISTANBUL 4495
RUEKJCS/JOINT STAFF WASHDC
RUEAIIA/CIA WASHDC
RUCPDOG/DEPT OF COMMERCE WASHDC
RHEFDIA/DIA WASHDC
RHEBAAA/DEPT OF ENERGY WASHDC
RHEHNSC/NSC WASHDC
RUEATRS/DEPT OF TREASURY WASHDC
RUEKJCS/SECDEF WASHINGTON DC
RUCNDT/USMISSION USUN NEW YORK 1483
RUEHVEN/USMISSION USOSCE 4397

UNCLAS ASHGABAT 000206

SIPDIS

STATE FOR SCA/CEN; EEB/TPP/IPE, INL
DEPT PASS TO USTR JGROVES
COMMERCE FOR DSTARKS/EHOUSE;

E.O. 12958: N/A

TAGS: [PGOV](#) [ECON](#) [ETRD](#) [KIPR](#) [TX](#)

SUBJECT: TURKMENISTAN: SPECIAL 301 ASHGABAT INPUT

REF: STATE 3361

¶1. The Government of Turkmenistan was informed about the 2010 Special 301 review process by means of diplomatic note delivered on February 12. Post recommends keeping Turkmenistan on the 2010 Special 301 Watch List and suggests including the following paragraphs on Turkmenistan in the 2010 Special 301 Report:

¶2. Turkmenistan has been on the Watch List since 2000, and it will remain on the Watch List in 2010 due to its lack of progress on IPR issues during the past year. Turkmenistan has numerous remaining steps to take in order to fulfill its IPR obligations under the 1993 U.S.- Turkmenistan Trade Agreement. Specifically, Turkmenistan is neither a member of the Berne Convention nor the Geneva Phonograms Convention, and it has yet to sign the WIPO Internet Treaties. Although the Civil and Criminal Codes provide some degree of IPR protection and punishment for copyright violations and the Civil Code provides for confiscation of counterfeit goods by a court decision, Turkmenistan has yet to adopt explicit and comprehensive administrative and civil procedures and criminal penalties for IPR violations. Turkmenistan has not adopted a separate Copyright Law and consequently does not provide any protection to foreign sound recordings or preexisting works. IPR enforcement is inadequate because the Customs Code does not provide ex officio authority to seize suspected infringing material at the border. There are no known civil ex parte search procedures.

¶3. The United States urges Turkmenistan to join appropriate international agreements and adopt the national legal reforms that will bring Turkmenistan into compliance with its obligations under the bilateral 1993 U.S.-Turkmenistan Agreement, and to undertake enforcement activities that will help strengthen its IPR regime.
CURRAN